

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

ARC CONTROLS, INC.,

Plaintiff,

V.

**M/V NOR GOLIATH, *in rem*, and
GOLIATH OFFSHORE HOLDINGS PTE.
LTD, *in personam*,**

Defendants.

V.

**CYPRESS PIPELINE AND PROCESS
SERVICES, LLC,**

Plaintiff-in-Intervention,

V.

**M/V NOR GOLIATH, *in rem*, and
GOLIATH OFFSHORE HOLDINGS PTE.
LTD, *in personam*,**

Defendants-in-Intervention.

CYPRESS PIPELINE AND PROCESS SERVICES, LLC'S
COMPLAINT IN INTERVENTION

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT IN THE
SOUTHERN DISTRICT OF MISSISSIPPI:**

NOW COMES Cypress Pipeline and Process Services, LLC (“Cypress” or "Plaintiff-in-Intervention"), Intervening Plaintiff, and files this Complaint of Intervention in the above-entitled cause, and respectfully represents and shows the Court as follows:

The Complaint in Intervention of Cypress against the motor vessel NOR Goliath Official Number 9396933, its masts, boilers, cables, engines, machinery, bowsprits, sails, riggings, bolts,

anchors, chains, apparel, furniture, fittings, tools, pumps, equipment, fixtures, supplies, and all other appurtenances, accessories, additions, improvements, and replacements now or hereinafter belonging thereto, whether or not removed therefrom (“NOR Goliath”), all of which shall be deemed to be included in the term “Vessel” herein, and her owners Goliath Offshore Holdings Pte. Ltd. (“Goliath”) in a cause of action, civil and maritime, for the foreclosure of a maritime lien, thereon alleges:

1. Plaintiff-in-Intervention’s claim is a maritime and admiralty claim within the provisions of 28 U.S.C.A. § 1333(1), Rule 9(h) of the Federal Rules of Civil Procedure and within the Supplemental Rules for certain admiralty and maritime claims of this Honorable Court, which support the jurisdictional basis.

2. Plaintiff-in-Intervention is informed and believes, and on such information and belief alleges, that the Defendant-in-Intervention, Goliath, is now, and at all times herein was the owner of the NOR Goliath.

3. The Vessel, NOR Goliath, is now afloat upon the navigable waters of the United States, within the Southern District of Mississippi, and within the jurisdiction of this Honorable Court which issued by Deputy Clerk a “Warrant For Arrest in Rem, L.A.R. C2(a)” for the arrest of the defendant Vessel, the M/V NOR Goliath, official number 9396933, her tackle, apparel, furniture, engines, and appurtenances, on July 12, 2019.

4. The “Warrant For Arrest in Rem, L.A.R. C2(a)” orders the United States Marshal for the United States District Court for the Southern District of Mississippi to detain the Vessel in its custody, pending further order of the court. The Marshal has done so.

5. Subsequently, the Clerk of this Court granted an “Order Appointing Substitute Custodian” which granted Plaintiff Arc Controls, Inc.’s (“Arc’s”) motion to appoint U.S. Maritime

Services, LLC as substitute custodian of the NOR Goliath in the United States Marshal's stead as of July 12, 2019.

6. Plaintiff-in-Intervention would show that prior to the filing of Plaintiff's Arc's complaint for the condemnation and sale of the NOR Goliath on July 12, 2019, Plaintiff-in-Intervention filed a lien with the United States Coast Guard Office of Vessel Documentation against the NOR Goliath based on a workmen and materialmen lien on the Vessel under the UCC and/or Admiralty law for the unpaid repairs and necessities provided by Cypress, Plaintiff-in-Intervention, for the Vessel.

7. Plaintiff-in-Intervention is now, and at all times herein mentioned, the secured party of a lien on the NOR Goliath, of which Goliath, the owner of the boat, and EPIC Alabama Ship Yard, are debtors.

8. Accordingly, the said damage to Plaintiff-in-Intervention resulted from Goliath's nonpayment for repairs and necessities was caused in part by Defendant Goliath.

9. By reason of the foregoing, Plaintiff-in-Intervention has sustained damages in the approximate sum of \$154,603.80, plus interest beginning on May 10, 2019, at a rate to be set by this court to equitably and justly compensate Plaintiff-in-Intervention.

WHEREFORE, Plaintiff-in-Intervention prays:

1. That process in due form of law according to the course and practice of this honorable court in causes of Admiralty and Maritime jurisdiction issue against the vessel NOR Goliath, her engines, tackle, apparel, furniture and fixtures, and all other necessities thereunto appertaining and belonging, and that all persons claiming any interest in the vessel be cited to appear and answer on oath, all and singular, the matters aforesaid; that Plaintiff-in-Intervention have a decree for its

damages aforesaid with interest and costs; and be condemned and sold to satisfy both Plaintiff Arc and Plaintiff-in-Intervention's decree;

2. That process in due form of law may issue against Defendant-in-Intervention Goliath, citing it to appear and answer under oath, all and singular, the matters aforesaid;

3. That the court order, adjudge and decree that Plaintiff-in-Intervention have a decree against Goliath for the claim asserted by Plaintiff-in-Intervention herein, together with interest, as alleged, and costs; and,

4. That Plaintiff-in-Intervention have such other and further relief as may be proper and that this court is competent to grant.

Respectfully submitted,

BUTLER SNOW LLP

Dated: July 19, 2019

By: /s/ Michael C. McCabe, Jr.
Michael C. McCabe, Jr.
Mississippi Bar No.: 101548
Email: michael.mccabe@butlersnow.com
1300 25th Avenue, Suite 204
Gulfport, Mississippi 39502-4248
Telephone: 228-575-3025
Facsimile: 228-868-1531

**ATTORNEYS FOR PLAINTIFF-IN-
INTERVENTION, CYPRESS PIPELINE
AND PROCESS SERVICES, LLC**

OF COUNSEL:

Scott D. Marrs – *Application to appear Pro Hac Vice forthcoming*

Texas Bar No.: 13013400

Email: scott.marrs@akerman.com

Brian T. Bagley – *Application to appear Pro Hac Vice forthcoming*

Texas Bar No.: 24035541

Email: brian.bagley@akerman.com

James E. Rogers – *Application to appear Pro Hac Vice forthcoming*

Texas Bar No.: 2405165

Email: james.rogers@akerman.com

1300 Post Oak Blvd., Suite 2500

Houston, Texas 77056

Telephone: 713-623-0887

Facsimile: 713-960-1527

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the Court's electronic filing system on all counsel of record and/or via registered and regular U.S. Mail on this 19th day of July, 2019.

Michael C. McCabe, Jr.
Michael C. McCabe, Jr.